

## HUGE BURDEN TO ASSOCIATIONS

I am writing to alert you to the recent actions taken by the FCC to amend the regulations that implement the Telephone Consumer Protection Act of 1991 (TCPA). The FCC has decided, without the proper input from the business and association community, to modify the current law by doing away with the “established business relationship” provision pertaining to fax advertisements. This amendment will place onerous administrative and economic burdens on associations by requiring “expressed written consent” from their own members prior to sending a fax advertisement. I hope you share in my concern over this onerous restriction of legitimate commercial activity.

The new FCC reading of the TCPA prohibits any person or entity from sending any fax that contains an unsolicited advertisement which is defined as “any material advertising the commercial availability or quality of any property, good, or services which is transmitted to any person without that person’s prior express invitation or permission.” As a result, the established business relationship is no longer sufficient to permit faxes to be transmitted. Associations and businesses are now faced with the challenging administrative, legal, economic and record keeping ramifications that will arise thanks to the new FCC changes.

The proposed changes, which are scheduled to go into effect on August 25, 2003 - 30 days after they were published in the Federal Register on July 25, 2003, will create a significant economic and labor-intensive burden for the association community. The adjustment in the TCPA will require signed written consent to allow faxes to be sent that contain unsolicited advertisements. It would even require written consent for faxes pertaining to events such as annual meetings.

While these changes may be suitable for residential telephone numbers as the new Do Not Call registry provides, they are certainly not acceptable for association-to-member facsimile communications. Associations rely on faxes as a prime source of communication and marketing to meet the needs of their members.

With penalties reaching \$11,000 per unauthorized fax, this is a burden that few associations can financially endure. The proposed FCC changes are a prime example of an idea where the disadvantages and unintended consequences far outweigh the benefits. Please join me in requesting that the FCC halt their efforts to change the current TCPA.

Please visit the following link to view these documents:  
[http://www.asaenet.org/publicpolicy/FCC\\_Fax\\_Rules/](http://www.asaenet.org/publicpolicy/FCC_Fax_Rules/)

**Call to Action:** WPGA Members please contact your US Congressman and US Senator to let them know that this would cause undue hardships for our association.

Please join in with hundreds of members from other associations who have registered their disapproval of these harmful regulations, by joining our call to action and emailing their Members of Congress. To join this list and to take action, please visit the ASAE Advocacy Center on the FCC fax ruling at:  
[http://capwiz.com/asae/mail/oneclick\\_compose/?alertid=2957766](http://capwiz.com/asae/mail/oneclick_compose/?alertid=2957766)